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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,726	07/09/2003	John B. Freese	0212.67070	1792
7590 GREER, BURNS & CRAIN, LTD. Suite 2500 300 South Wacker Drive Chicago, IL 60606			EXAMINER [REDACTED]	SELF, SHELLEY M
		ART UNIT [REDACTED]	PAPER NUMBER 3725	
		MAIL DATE 06/05/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/615,726	FREESE ET AL.	
	Examiner Shelley Self	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 March 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 and 32-49 is/are pending in the application.
- 4a) Of the above claim(s) 23-31 is/are withdrawn from consideration.
- 5) Claim(s) 1-22 is/are allowed.
- 6) Claim(s) 32,33,38,39 and 44-49 is/are rejected.
- 7) Claim(s) 34-37 and 40-43 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 August 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on March 8, 2007 has been considered but is ineffective to overcome the prior art reference and an action on the merits follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

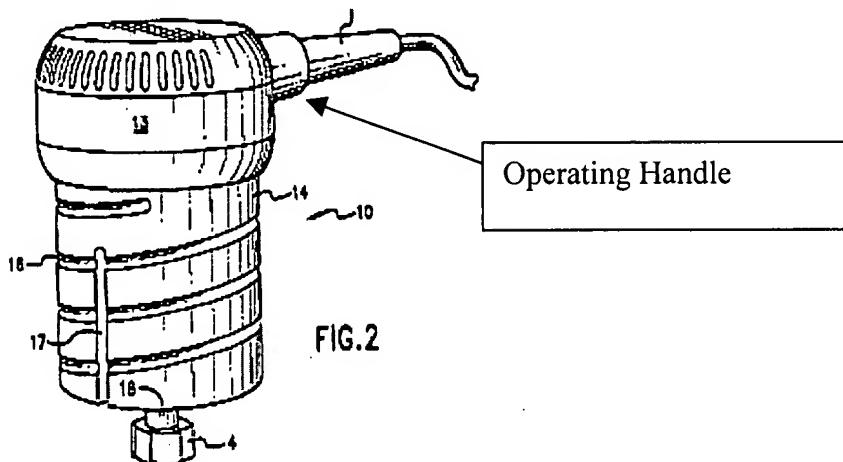
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 32 is rejected under 35 U.S.C. 102(e) as being anticipated by Tomayko (6,779,954) as noted in the previous Office Action (12/5/06). Tomayko discloses a motor assembly (fig. 1, 2) having a housing (10) containing a motor (col. 4, lines 59-60, a switch/operating controls (12), operating handles (fig. 2) attached to the housing; a fixed base (fig. 3) assembly into which said motor assembly can be removably installed, a depth adjustment mechanism (30) and a motor assembly locking mechanism for locking said motor assembly in said fixed base (col. 4, lines 65-68 to col. 5, lines 1-3).



Examiner notes the structure noted above in fig. 2 can be used as a handle to maneuver the motor assembly from the base (fig. 3). Further, Examiner notes that no structure as it relates to the handle has been positively recited.

In the alternative, additionally, claims 32, 44 and 46 are rejected under 35 U.S.C. 102(a) as being anticipated by Kopras et al. (6,443,675). With regard to claim 32 and 44, Kopras discloses a router comprising a motor assembly (22) containing a motor (col. 8, lines 26-27) for driving an output shaft (figs. 1, 2) to which a bit holding mechanism (46, 48, 50) can be attached, operating handles (24, 26), operating controls (34, 90) and a fixed base assembly. into which said motor assembly can be removably installed.

As to the recitation of operating handles, Examiner notes as noted above, no structure has been positively recited as it relates to the handles, therefore, because Kopras explicitly teaches handle grasping/gripping surfaces (26) attached to the motor housing for manually grasping a motor housing during operation, these surfaces serve in the capacity of handles. Additionally, Examiner notes handle (24).

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With regard to claim 46, Kopras discloses a router motor assembly configured to be removably installed in a fixed base (56) and operate as a fixed base router or removably installed in a plunge base and operate as a plunge router, said motor assembly comprising a housing with a motor for driving output shaft to which a bit holding mechanism can be attached for holding a bit, operating handles attached to said housing for use by an operator, and operating controls. Examiner notes the claim does not positively recite the router motor assembly to be operable in both a fixed base and plunge base to operate as both a fixed base router and plunge base router, but instead states, "or", i.e., one or the other. Accordingly, Kopras discloses the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32, 33, 38, 39 and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusconi (5,590,988) in view of Long et al (6,474,375) as noted in the previous Office Action (12/5/06). With regard to claims 32, 33, 44 and 45, Rusconi discloses a motor assembly having a housing containing a motor, operating handles attached to the base, a fixed base assembly into which said motor assembly can be removably installed, a depth adjustment mechanism, and a motor assembly locking mechanism (figs. 1, 2). Rusconi does not disclose operating handles attached to the housing or depth adjustment knob.

Long discloses a fixed base assembly, motor housing assembly containing a motor (12) housing (18), handles (16r, 16l) attached to the motor housing and a depth adjustment knob. Because the references are from a similar art and deal with a similar problem, i.e. routing a workpiece via a hand router, it would have been obvious to the skilled artisan at the time of the invention to construct or rearrange, Rusconi's router to include the handles attached to the motor housing so as to better maneuver the router and a depth adjustment knob at a top side of the router motor housing for efficient depth control as taught by Long.

As to the recitation "fixed base", Examiner notes the claim as written has not positively recited any structure as it relates to the "fixed base", further, Examiner notes, both Rusconi and Long teach a base at which a depth of cut can be fixed, thus a fixed base assembly.

With regard to claim 38, Rusconi discloses a router comprising: a motor assembly having a housing containing a motor for driving an output shaft (9) to which a bit holding mechanism (10) can be attached, a plunge base assembly (fig. 1, 2) having a handles (11), a motor carrier assembly (3) and a sub-base structure having a planar bottom surface and a pair of spaced vertical guide posts (2) along which said motor carrier assembly can be vertically moved, said plunge base assembly having a motor assembly locking mechanism for removably locking said motor assembly in said motor carrier assembly (col. 3, lines 43-52; col. 4, lines 33-35) and a first depth control mechanism (12). Rusconi does not disclose handles attached to said housing or a plunge locking mechanism for holding said carrier assembly at a particular vertical position along said guide posts. Long teaches in a similar art, a router having a motor housing with operating handles (fig. 1) attached to the motor housing, the motor housing coupled to a plunge base assembly and a knob for efficient depth control. Long further teaches the plunge base

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assembly having vertical guide posts for vertical movement of the motor housing along the guide posts, a plunge locking mechanism (36) for holding said carrier assembly at a particular vertical position along said guide posts (col. 2, lines 61-65).

Because the references are from a similar art, and deal with a similar problem, i.e. depth control of a plunge base router, it would have been obvious at the time of the invention to one having ordinary skill in the art to rearrange Rusconi such that Rusconi's handles were attached to the motor housing so as to efficiently control and maneuver the router and to provide Rusconi with a plunge locking mechanism for holding the router at a desired depth as taught by Long.

With regard to claim 39, Rusconi does not disclose a depth adjustment controller as a knob located on the top side of the motor housing.

Long teaches a depth adjustment controller knob on a top side of a motor housing. Long teaches this construction for ease of depth adjustment. As noted above, because the references are from a similar art, it would have been obvious at the time of the invention to one having ordinary skill in the art to replace, Rusconi's depth adjustment controller (12, 13) with a knob depth adjustment controller on the top side of the motor housing for efficient depth adjustment as taught by Long.

Additionally, claims 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusconi (5,590,988) in view of Long et al (6,474,375) as noted in the Previous Office Action (12/5/06). With regard to claims 44 and 45, Rusconi discloses a motor assembly having a housing containing a motor, operating handles attached to the base, a fixed base assembly into which said motor assembly can be removably installed, a depth adjustment mechanism, and a

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motor assembly locking mechanism (figs. 1, 2). Rusconi does not disclose operating handles attached to the housing or depth adjustment knob.

Long discloses a fixed base assembly, motor housing assembly containing a motor (12) housing (18), handles (16r, 16l) attached to the motor housing and a depth adjustment knob. Because the references are from a similar art and deal with a similar problem, i.e. routing a workpiece via a hand router, it would have been obvious to the skilled artisan at the time of the invention to construct or rearrange, Rusconi's router to include the handles attached to the motor housing so as to better maneuver the router and a depth adjustment knob at a top side of the router motor housing for efficient depth control as taught by Long.

As to the recitation "fixed base", Examiner notes the claim as written has not positively recited any structure as it relates to the "fixed base", further, Examiner notes, both Rusconi and Long teach a base at which a depth of cut can be fixed, thus a fixed base assembly.

With regard to claim 46, Rusconi discloses the motor housing capable of operating in a fixed base or a plunge base assembly. As to the handles attached to the motor housing, see above with reference to either claim 44. Examiner notes that Rusconi explicitly discloses the motor housing completely removable from the base. Examiner further notes the claim does not positively recite the router motor assembly to be operable in a both a fixed base and plunge base or to operate as both a fixed base router and plunge base router, but instead states, "or", i.e., one or the other.

With regard to claim 47, regarding the depth adjustment knob, Rusconi does not disclose a knob, however Rusconi does disclose depth adjustment. Long teaches a depth adjustment controller knob on a top side of a motor housing. Long teaches this construction for ease of

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depth adjustment. As noted above, because the references are from as similar art, it would have been obvious at the time of the invention to one having ordinary skill in the art to replace, Rusconi's depth adjustment controller (12, 13) with a knob depth adjustment controller on the top side of the motor housing for efficient depth adjustment as taught by Long, accordingly it would have been obvious to provide or replace Rusconi's depth adjustment device with a depth adjustment knob as taught by Long.

As to the handles (clm. 48) both Rusconi and Long disclose handles having a portion. Long teaches handles having a horizontal shoulder portion, vertical grip portion extending to an elevation that can approve the elevation of the bottom of the base. For the reasons noted above with regard to claims 32 and 38, it would have been obvious to the skilled artisan to replace, Rusconi's handles with handles such as those having a horizontal shoulder portion and grip all attached to the motor housing for improved maneuvering of the motor housing as taught by Long.

In the alternative, additionally, Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kopras et al. (6,443,675) alone or in view of Tomayko (6,779,954). Kopras discloses handle (24) having horizontal shoulder portion extending from a side of said housing and which merges with a generally vertical grip portion extending downwardly from the shoulder portion, wherein operating controls (34) include an on/off switch located in the handle. Kopras does not disclose a pair of handles. It would have been obvious to one having ordinary skill in the art at the time of the invention to construct Kopras having a pair of handles, because it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

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Moreover, Tomayko teaches in a closely related art a fixed base router having a pair of handles for improved operator handling and control. Accordingly it would have been obvious to the skilled artisan at the time of the invention to construct Kopras having a pair or handles, or two opposing handles as taught by Tomayko for improved operator control during operation.

Allowable Subject Matter

Claims 1-22 are deemed allowable

Claims 34-37 and 40-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

For the reasons noted in the previous Office Action (12/5/06).

Response to Arguments

Applicant's arguments with have been carefully considered but are not deemed persuasive. Applicant remarks are drawn to the failure of prior art Tomayko to disclose or fairly suggest operating handles. This argument however is not found persuasive, because the claimed invention is silent to any structure as it relates to the handles, therefore, any surface of the router to which an operator may grasp can and does serve as an operating handle.

In response to Applicant's argument that Rusconi's base, cannot be considered both a fixed and plunge base. Examiner notes that the claimed invention merely states a fixed base (clm. 32) and a plunge base (clm. 38) because Rusconi clearly discloses structure to vertically

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adjust the router bit depth and to fix the base at the desired vertical depth and further because the claims fail to recite any structure as it relates to the base (i.e., there is no structure positively recited that differentiates the fixed base assembly from that of the plunge base assembly), but instead merely recite a fixed and plunge base the claims are not deemed patentable over the prior art. Examiner further notes that because claims 32 and 38 are independent, the claims stand alone and the prior art may be taken in the broadest interpretation of the claim to read on both claims. To state structure, as a fixed base as it relates to one claim is independent, i.e. unrelated structure of another independent claim. Accordingly the rejections are maintained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is 571-272-4524. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Shelley Self
Primary Examiner
Art Unit 3725

May 27, 2007